

R 9

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/471,447	BEDICHEK ET AL.	
	Examiner	Art Unit	
	Herng-der Day	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment received 6/2/04 and 8/20/04.
2.  The allowed claim(s) is/are 16,18,20-25 and 30-35.
3.  The drawings filed on 01 December 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  IDENTIFYING INDICIA such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
 Patent Examiner  
 AU: 2128  
 Thai Phan

**DETAILED ACTION**

1. This communication is in response to Applicants' Amendment and Response to Office Action dated February 25, 2004, mailed June 2, 2004, and Applicants' Supplemental Amendment faxed August 20, 2004.

1-1. Claims 16, 18, 20, 21, 24, 25, 30-32, and 33-35 have been amended. Claims 17, 19, and 26-29 have been cancelled. Claims 16, 18, 20-25, and 30-35 are pending.

1-2. Claims 16, 18, 20-25, and 30-35 have been examined and allowed.

***Reasons for Allowance***

2. The following is an Examiner's statement of reasons for allowance:

2-1. The closest prior art of record discloses:

- (1) An improved microprocessor including morph host and code morphing software (Kelly et al., U.S. Patent 5,832,205);
- (2) A method for direct conversion of programs between different hardware architecture computer systems (Goettelmann et al., U.S. Patent 5,313,614); and
- (3) A method translating a dynamic transfer control instruction address in a simulated CPU processor (de Nicolas et al., U.S. Patent 5,167,023).

2-2. Independent claim 16 is directed at a method of determining validity of a translated instruction as shown in Figure 3. This independent claim identifies the distinct combination of features of step a) and step b) as described in lines 13-20 of page 8. The closest prior art does

not teach or reasonably suggest the address consistency check of linked, via a jump command, host instructions. Claim 16 and its dependent claims 18, 20-23, and 33-35 are deemed allowable.

**2-3.** Independent claim 24 is directed at a method of determining validity of a translated instruction. This independent claim identifies the distinct combination of features of step a), step b), and step c), as described in lines 3-15 of page 9. The closest prior art does not teach or reasonably suggest the bypass of address consistency check when the target instruction addresses of the linked, via a jump command, host instructions are on the same memory page. Claim 24 and its dependent claim 25 are deemed allowable.

**2-4.** Independent claim 30 is directed at a method of linking translated instructions as shown in Figure 4. This independent claim identifies the distinct combination of features of step c) and step d), as described in lines 16-23 of page 9. The closest prior art does not teach or reasonably suggest the specific linking steps for an address consistency check. Claim 30 is deemed allowable.

**2-5.** Independent claim 31 is directed at a method of linking translated instructions as shown in Figure 4. This independent claim identifies the distinct combination of features of step c) and step d), as described in line 24 of page 9 through line 5 of page 10. The closest prior art does not teach or reasonably suggest the specific linking steps for an address consistency check. Claim 31 is deemed allowable.

**2-6.** Independent claim 32 is directed at a method of linking translated instructions as shown in Figure 4. This independent claim identifies the distinct combination of features of step c) and step d), as described in lines 6-8 of page 10. The closest prior art does not teach or reasonably

suggest the specific linking steps for an address consistency check. Claim 32 is deemed allowable.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (703) 305-5269. The Examiner can normally be reached on 9:00 - 17:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jean Homere can be reached on (703) 308-6647. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Herng-der Day *H.D.*  
August 20, 2004

*Thaiphon  
Thai Phan  
Patent Examiner  
AU : 2128*